

## REMARKS

Applicants have amended Claim 9 to specify required characteristics of the biodegradable hydroxyl-containing polyesters of component (b) set forth in the specification at page 13, lines 15-19. Applicants have also amended Claim 13 to correct an obvious typographical error having no effect whatsoever on the scope of the claimed subject matter. Applicants submit that the claims are fully supported in the specification.

### Rejection under 35 U.S.C. 103

Claims 9-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/00013 ("Botts et al"). Applicants respectfully traverse.

Botts et al discloses controlled release microparticle formulations for agricultural chemicals in which agriculturally active ingredients are dispersed or otherwise distributed in a polymer matrix. E.g., page 1, line 27, through page 2, line 1, and elsewhere. Botts et al describes suitable polymers as being any of a large number of organic polymers. See page 3, lines 7-23. Although polyesters are mentioned on several occasions (see page 3, line 22, as well as page 12, twelve lines from bottom), Botts et al gives no details at all about what polyesters would be suitable, does not include polyesters among the preferred polymers (cf. page 12, near bottom of page), and provides no specific examples on the use of polyesters. Because polyesters are a diverse group of polymeric compounds, Botts et al would provide little or no useful guidance to those skilled in the art with respect to the use of polyesters.

One of the stated purposes of Applicants' claimed invention was to overcome specific weakness of the method taught by Botts et al. See Applicants' specification at page 1, lines 8-18. To this end, Applicants require biodegradable hydroxyl containing polyesters that are characterized by specific chemical and physical properties. Applicants have found that formulations within the scope of their claims can provide controlled release of active ingredient over a prolonged period of time. See use examples beginning at page 26, particularly at page 27 (especially as summarized at lines 10-11). Nothing in Botts et al would suggest polymers having the narrowly defined polymer characteristics specified by Applicants, much less that such polymers would provide the advantages found by Applicants.

Applicants note further with respect to their claimed preparative process that Claim 13 is directed to a melt process that is completely unrelated to the emulsion process disclosed in Botts et al (e.g., page 17, line 8 et seq) and mentioned in the Office Action. Botts et al could not possibly lead those skilled in the art to their claimed preparative process.

Applicants therefore respectfully submit that Botts et al would not render their claimed invention obvious.

In view of the preceding amendments and remarks, allowance of the claims is respectfully requested.

Respectfully submitted,

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